

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RCC FABRICATORS, INC. Plaintiff	:	CIVIL ACTION
v.	:	
UMOJA ERECTORS, LLC NORTH AMERICAN SPECIALTY INSURANCE COMPANY Defendants	:	No. 17-5304-TR
	:	
	:	

ORDER

AND NOW, this day of , 2021, upon consideration of the Motion to Stay Execution of the Judgment Pending Appeal and to Approve Supersedeas Bond and any response thereto, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED**. The supersedeas bond proffered by Defendant North American Specialty Insurance Company (“North American”), in the amount of \$215,606.33, is **HEREBY APPROVED**. Execution upon the Order entering Judgment in favor of RCC Fabricators, Inc. and against North American dated August 13, 2021, is **HEREBY STAYED** pending disposition of North American’s appeal from said Order before the United States Court of Appeals for the Third Circuit.

BY THE COURT:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RCC FABRICATORS, INC. Plaintiff	:	CIVIL ACTION
v.	:	
UMOJA ERECTORS, LLC NORTH AMERICAN SPECIALTY INSURANCE COMPANY Defendants	: : : : :	No. 17-0304-TR

**DEFENDANT NORTH AMERICAN SPECIALTY INSURANCE COMPANY’S
MOTION TO STAY EXECUTION OF THE JUDGMENT PENDING APPEAL
AND TO APPROVE SUPERSEDEAS BOND**

Defendant North American Specialty Insurance Company (“North American”), by its undersigned counsel, moves for an order in accordance with Rule 62 of the Federal Rules of Civil Procedure staying execution of the judgment entered in favor of Plaintiff RCC Fabricators, LLC and against North American dated August 13, 2021 and approving the supersedeas bond proffered by North American. In support of this motion, North American relies upon and incorporates the supporting Brief in Support of Motion to Stay Execution of the Judgment Pending Appeal and to Approve Supersedeas Bond.

Respectfully submitted,

DEAN E. WEISGOLD, P.C.

Dated: September 8, 2021

s/ Dean E. Weisgold
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The purpose of the supersedeas bond under Rule 62 is to preserve the status quo during the pendency of an appeal and protect the winning party from the possibility of loss resulting from the delay in execution. *Schreiber v. Kellogg*, 839 F. Supp. 1157, 1159 (E.D. Pa. 1993); *see also AMG Nat'l Trust Bank v. Ries*, No. 06-4337, 2008 U.S. Dist. LEXIS 44014, at *4 (E.D. Pa. June 4, 2008).

B. North American Should be Granted a Stay of Execution Pending its Appeal as it has Proffered an Acceptable Supersedeas Bond

North American now requests approval of its supersedeas bond in the amount of \$215,606.33, which will stay execution on the judgment pending appeal. This amount covers the judgment of \$215,433.98, which includes pre-judgment interest, and post-judgment interest in the amount of \$172.35.¹ North American will incur all costs of the appeal.

¹ The total for post-judgment interest was calculated based on the Court's per annum figure of 0.08% ["the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment" - <http://coop.paed.uscourts.gov/services/post-judgment-interest-rate>] and for a period of 12 months. According to the most recent statistics posted by the Administrative Office of the United States Courts, in the Third Circuit and for the period June 30, 2020 – June 30, 2021, the median time from filing of a notice of appeal to disposition of that appeal was 8.7 months). *See* U.S. Court of Appeals - Judicial Caseload Profile, *available at* <https://www.uscourts.gov/statistics-reports/federal-court-management-statistics-june-2021>. The 12-month post-judgment interest period therefore accounts for the high-end of the median period for disposition in the Third Circuit.

III. CONCLUSION

For all of the above reasons, North American requests that this Honorable Court stay execution of the judgment entered on August 13, 2021 and approve the Supersedeas Bond proffered by North American.

Respectfully submitted,

DEAN E. WEISGOLD, P.C.

Dated: September 8, 2021

s/ Dean E. Weisgold

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CERTIFICATE OF SERVICE

I, Dean E. Weisgold hereby certify that a true and correct copy of the foregoing Motion for Stay Execution of the Judgment Pending Appeal and to Approve Supersedeas Bond was served upon the following via CM/ECF on September 8, 2021:

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